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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Implementation of the Pay Telephone
Reclassification and Compensation
Provisions of the Telecommunications
Act of 1996

CC Docket No. 96-128

PETITION FOR FURTHER RECONSIDERATION OF
INVISION TELECOM, INC.

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TABLE OF CONTENTS

	Page
SUMMARY	ii
BACKGROUND	2
DISCUSSION	4
I. The Commission Must Not Allow LECs to Define Their ICS As Part of Regulated Network Services	4
II. The Commission Should Enumerate the Fraud Protection Functions that Must Be Available to ICS Providers on a Nondiscriminatory Basis	8
III. The Commission Should Clarify that LECs Must Provide Validation on a Nondiscriminatory Basis	10
IV. The Commission Must Require Nondiscriminatory Treatment of Bad Debt	13
V. Any Network ICS Functions Must Be Provided on a Tariffed Basis	14
CONCLUSION	15

SUMMARY

Invision Telecom, Inc. requests further reconsideration of several issues relating to inmate calling services ("ICS") that may not have been resolved in the Commissions prior orders in this proceeding. The ICS environment is quite different from the regular public payphone environment. Collect calling is fundamental to ICS just as coin calling is fundamental to public payphones. ICS requires sophisticated call control functions, which are provided by discrete equipment that is usually dedicated to a particular facility. Whether located on the confinement facility premises or in the central office, the call control components must be defined as part of nonregulated ICS. Processing of collect calls is typically integrated with, and in any event closely coordinated with call control. Finally, bad debt represents a far higher proportion of ICS calls than of other calls. Bad debt is a significant risk associated with the ICS business and must be defined as a responsibility of LECs' ICS operations.

Regardless of where the ICS call control/call processing system is physically located, it must be defined as part of deregulated ICS. Section 276 requires deregulation of "payphone service," defined to include, "the provision of inmate telephone service in correctional institutions, and any ancillary services." 47 U.S.C. § 276(d) (emphasis added). If the FCC allowed LECs to continue defining their ICS as a regulated service, for which the nonregulated LEC payphone entity merely collected a presubscription commission, the high level of bad debt incurred by ICS would continue to be subject to subsidy by the LEC's regulated services, independent ICS providers would continue to suffer

discrimination, and the provisions of Section 276 would be meaningless with respect to inmate calling services ("ICS").

The Commission must rule that LECs' facilities dedicated to ICS must be removed from regulated accounts, and that ICS must be provided by LECs as part of their deregulated "payphone service."

The Commission must also clarify that (1) LECs must make available to independent ICS providers, on a nondiscriminatory basis, the specific fraud protection information that LECs provide for the benefit of their own ICS, (2) validation must be available on the same nondiscriminatory basis to independent ICS providers and to the LEC ICS, (3) reciprocal billing arrangements must be available without discrimination, and (4) bad debt must be treated in the same nondiscriminatory manner for independent ICS and for the LEC ICS. Finally, any network ICS functions that support LEC ICS, and that are not required to be removed from regulated accounts must be available on a tariffed basis to independent providers.

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**PETITION FOR FURTHER RECONSIDERATION OF
INVISION TELECOM, INC.**

Invision Telecom, Inc. ("Invision") hereby petitions for further reconsideration of the Commission's Order on Reconsideration, FCC 96-439, released November 8, 1996, 61 Fed. Reg. 65341 (December 12, 1996).

Invision is pursuing further reconsideration because Invision is uncertain whether the issues discussed below, all of which are related to inmate calling services ("ICS"), have been resolved by the Commission's prior orders in this proceeding.¹ Each of these issues has been raised in the comments filed by the Inmate Calling Service Providers Coalition ("ICSPC") on the comparably efficient interconnection ("CEI") plans of BellSouth and Ameritech. However, Invision is taking the step of requesting further

¹ Implementation of the Pay Telephone Reclassification and Compensation Provisions of the Telecommunications Act of 1996, CC Docket No. 96-128, Report and Order, FCC 96-388 (Sept. 20, 1996) ("Payphone Order"), and Order on Reconsideration, FCC 96-439 (Nov. 8, 1996) ("Reconsideration Order") (collectively, "the Orders").

reconsideration in order to ensure, in the event that these issues should have been addressed in the Orders rather than in rulings on the CEI Plans, that the issues are, in fact, addressed.²

BACKGROUND

The ICS environment is quite different from the regular public payphone environment. A discussion of the special characteristics of ICS was included in ICSPC's comments in CC Docket No. 96-128, and is attached to this Petition. See Attachment 1.

Some of the distinctive characteristics of the ICS environment, and their legal and public policy consequences, can be summarized as follows. First, coin payphones are generally not provided for inmate use. The predominant method of calling is collect calling, which is generally the only calling method allowed.³ Thus, collect calling is clearly integral to -- and in any event, at least "incidental" to -- the "payphone service" business in the ICS environment. See 47 U.S.C. § 276(d).

Second, because confinement facilities have special needs to control inmate calling and because the incidence of fraudulent and uncollectible calls from confinement facilities is especially high, ICS requires sophisticated call control functions which are

² Section 276 of the Communications Act required the Commission to take all actions necessary to prescribe regulations under Section 276(b) (including "any reconsideration") by November 8, 1996. 47 U.S.C. § 276(b)(1). In the event that the Commission determines that it is not authorized to address any further "petition for reconsideration" at this time, Invision requests that this filing be treated as, alternatively, a petition for clarification or a petition to reopen the proceedings.

³ In jails, which generally are located relatively close to the inmates' homes, the calls are predominantly local and intraLATA.

customized to the facilities' particular needs. These call control functions are usually carried out in equipment located on the premises of the confinement facility, and in any event, even if physically located in a central office or comparable facility, are either dedicated to or specially programmed for the particular confinement institution. Therefore, the call control system must be defined as part of a LEC's nonregulated ICS facility.⁴

Third, there is necessarily an integral relationship between the call control functions and the processing, billing and collection of ICS calls. Without effective call control safeguards, which effectively minimize calling to numbers known to be involved in fraudulent and uncollectible calls, the incidence of bad debt is likely to reach unacceptable levels that preclude the ICS business from being profitable. Therefore, call control and call processing are typically integrated in a single system under the ICS provider's control. Even if call processing is provided separately -- e.g., through network-based collect calling features -- it must be subject to special restrictions and must be coordinated with the call control functions.⁵

Fourth, even with an effective call control and call processing system, bad debt is substantially higher for ICS than for ordinary collect calling. Therefore, if subsidies and discrimination in favor of LECs' ICS are to be eliminated, as Section 276 requires, the

⁴ Some functions that would ordinarily be part of call processing in the public payphone environment -- e.g., identification of unbillable numbers -- are likely to be treated as part of call control in the ICS environment. The fact that, in the ICS environment, some functions can move between control processing and call control shows the integral relationship between control and processing. See text following this note.

⁵ See previous footnote.

LEC's ICS must be defined in such a way that the nonregulated entity has responsibility for uncollectible calls. Otherwise, the LEC's costs associated with bad debt from ICS will continue to be subsidized by regulated services.

DISCUSSION

I. THE COMMISSION MUST NOT ALLOW LECS TO DEFINE THEIR ICS AS PART OF REGULATED NETWORK SERVICES

As discussed above, the central components of an inmate calling service are (1) the call control functions, which implement restrictions on the timing and permissible destinations of inmate calls, and contains mechanisms to monitor and detect fraudulent or prohibited calls, and (2) the call processing functions, which validate, complete, and capture billing information for inmate calls. Independent ICS providers typically provide both components on-premises as part of a single, integrated system. Even if the two components are not integrated, they must be closely interrelated. For example, the call processing component must be configured so that calls never default to a live operator unless the operator is specially trained and dedicated to handling inmate calls. Further, the call processing component should be capable of transmitting information received in the course of billing and collecting inmate calls so that the call control component can use such information as appropriate to implement additional restrictions on inmate calling.

The Orders did not determine specifically whether the call control and call processing functions that are central to the provision of ICS are part of the nonregulated

ICS or part of regulated network offerings. Since the call processing and call control system is the essential component of an inmate calling service, it is subject to deregulation on the same basis as the terminal equipment, regardless of whether the call processing and call control system is located on-premises or attached to the LEC's network in the central office.⁶

In resolving this issue, the Commission is not bound by pre-Telecommunications Act precedent that demarcated the distinction between regulated "basic" service and nonregulated "CPE" and "enhanced service." Section 276 does not prohibit Bell companies and other LECs only from subsidizing or discriminating in favor of enhanced services or CPE. It prohibits them from subsidizing or discriminating in favor of its "payphone service," defined as, among other things, "the provision of inmate telephone service in correctional institutions, and any ancillary services." 47 U.S.C. § 276(a)(1)(d). LECs may not subsidize or discriminate in favor of their inmate calling services any more than their inmate calling equipment. If the FCC allowed a LEC to continue defining its

⁶ As discussed in earlier filings (see ICSPC's Docket 96-128 Comments at 18), before the emergence of competition, LEC ICSPs provided inmate calling services through the same network systems used to provide regular collect calling services. Increasingly, however, in order to compete with the sophisticated call control systems furnished by independent providers, LECs have migrated to providing the call control and call processing functions through discrete equipment similar to the inmate calling systems employed by independent ICSPs. Petition for Declaratory Ruling by the Inmate Calling Services Providers Task Force, Declaratory Ruling, 11 FCC 7362, ¶ 7 (1996). Some LECs, like the independent ICSPs, currently locate that equipment on the confinement facility's premise. Others locate the equipment in their central offices, or may locate the call control system on the premises and the call processing system in the central office.

Since the same functions are provided and are located in discrete pieces of equipment regardless of the equipment's location, it is impermissible to classify the service differently based on the equipment location.

inmate calling service as a "regulated" service, rather than as part of the deregulated "payphone service" offering as Congress mandated, the rules would fail to prevent the LEC from continuing to subsidize and discriminate in favor of its inmate calling service, and the provisions of Section 276 would be meaningless with respect to inmate calling services. Such an approach would make a mockery of Section 276 and the Congressional policy to end subsidies and discrimination.

For example, as discussed above, one of the critical differences between ICS and ordinary operator services is the high proportion of "bad debt" associated with ICS due to fraudulent or otherwise uncollectible calls. Monitoring to prevent fraudulent or uncollectible calls is a central function of an ICS call control and call processing system. However, even with sophisticated controls, bad debt from ICS far exceeds bad debt from other operator services as a percentage of billed revenue. In earlier filings in Docket No. 96-128, ICSPC demonstrated that LECs currently do not segregate bad debt associated with ICS from bad debt associated with ordinary operator services. Thus, the LECs effectively use revenues from other services to subsidize the costs associated with their bad debt from ICS. If LECs are able to continue to define ICS as part of regulated service, they will be able to continue subsidizing this bad debt, contrary to the letter and intent of Section 276.

Further, independent ICS providers are competing by using their own call processing and call control systems, and should not be forced to route their ICS traffic to the LEC in order to obtain the support services they require. A misinterpretation of

Section 276 that required only that a LEC's competitive ICS be made formally available, through commission arrangements,⁷ to other ICS providers, would enable a LEC to avoid any meaningful unbundling of its competitive ICS from the regulated services that are truly needed by independent ICS providers.

Congress clearly intended that LECs' ICS be removed from all subsidies from regulated revenues, so that the LECs' ICS would no longer be insulated from market forces. By allowing a LEC to continue providing the critical ICS functions (i.e., the transmission validation, billing and collection of ICS calls) as part of a regulated service, exempt from Section 276's ban on subsidies and discrimination, the Commission would violate both the language and the intent of Section 276.

In summary, the reclassification of LECs' ICS, including call processing and control functions, as nonregulated is essential to prevent the subsidies and discrimination prohibited by Section 276, and cannot be dependent on whether the LEC chooses to physically locate the call processing and/or call control system on its own premises or on the premises of its prison facility customer. Each LEC must remove its ICS business from regulation as Congress intended.

⁷ As discussed in ICSPC's comments on the BellSouth CEI plan, BellSouth has offered a 45% commission plan to some ICS providers as well as, presumably its own payphone affiliate, if they will use its ICS. See Comments of the Inmate Calling Service Providers Coalition on BellSouth's CEI plan, filed December 30, 1996.

II. THE COMMISSION SHOULD ENUMERATE THE FRAUD PROTECTION FUNCTIONS THAT MUST BE AVAILABLE TO ICS PROVIDERS ON A NONDISCRIMINATORY BASIS

The Commission's Orders specify generally that fraud protection functions must be provided on a nondiscriminatory basis. Invision requests further clarification of this requirement in light of omissions from various LECs' CEI Plans.

Independent ICSPs have historically been handicapped in their ability to compete with LECs' inmate calling services operations because LECs have refused to provide critical account and fraud control information on an unbundled basis and on reasonable terms.

This information includes, among other things:

Billing name and address information (on-line);

Called party account information, including social security number and customer code;

Service establishment date;

Disconnect date and reason for disconnect;

Information on nonlisted or nonpublished numbers;

Additional lines;

Previous telephone numbers, if any;

Service restrictions;

Class of service;

Payment history;

Calling patterns/returns;

Credit history; and

Features (e.g. call forwarding or three-way calling).

This type of information is especially critical in the ICS environment because of the high incidence of fraud and bad debt incurred by ICS providers. To implement the basic requirements of Section 276 and the Payphone Order that LECs not discriminate in favor of their own ICS operations and that all subsidies for LEC ICS be terminated, it is essential that the account and fraud control information listed above be made available to independent ICSPs on the same basis if it is provided to or for the benefit of a LEC's ICS.

Ameritech's and BellSouth's CEI plans are silent on whether any of this information is provided to, or for the benefit of, their ICS operations or other ICS providers. It is Invision's understanding that this information is available from Bell companies, if at all, only if the ICS provider enters a billing and collection agreement directly with the Bell company. However, the cost of entering into such a billing arrangement is high.⁸ As a result, the vast majority of independent ICSPs use third-party billing clearinghouses. The billing agreements between the Bell companies and such third-party clearinghouses typically prohibit the use of information supplied to the clearinghouse by any other party. Clearly, it is not permissible for a LEC to condition the availability of a critical CEI function on the purchase of a nonregulated service (billing and

⁸ Billing and collection agreements can require up front payments by independent ICSPs of \$75,000 or more.

collection) from the LEC. The Commission should clarify that this information must be made available on the same basis to independent ICS providers as to the LEC's ICS.⁹

III. THE COMMISSION SHOULD CLARIFY THAT LECS MUST PROVIDE VALIDATION ON A NONDIS- CRIMINATORY BASIS

Section 276 requires that information related to validation of called numbers must be available on the identical nondiscriminatory basis to independent ICS providers as to a Bell company's own ICS.¹⁰ Yet, Ameritech's and BellSouth's CEI plans, the only plans on which the public comment date has thus far been reached, say nothing about validation. For example, their CEI plans do not state whether they will rely on LIDB validation of their ICS calls. The cost to ICSPs for each LIDB check, using currently available services, from designated LIDB providers, is \$.06 or more. Since it has been asserted that every

⁹ For example, if this information is available on a real-time basis to validate a LEC's ICS calls, then the LEC should make available on-line access to this information to independent ICS providers as an option so that they can check any relevant item before completing an inmate call. Such on-line access would enable an ICS provider to identify potential problems and minimize the bad debt that is incurred.

¹⁰ The nondiscrimination requirements of Section 276 in this area are comprehensive, and are not limited by the contours of the Commission's rules in Policies and Rules Concerning Local Exchange Carrier Validation and Billing Information for Joint Use Calling Cards, 7 FCC Rcd 3528 (1992). The Commission's validation rulings in that proceeding, which focused primarily on validation of calling cards, concerned validation of interstate calls, which are primarily carried by IXCs rather than LECs. Further, the orders in that proceeding involved the nondiscrimination provision of Section 202, which is more qualified and limited in scope than the nondiscrimination provision of Section 276. Cf. Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, First Report and Order, FCC 96-325, released August 8, 1996, ¶¶ 218-19 (Nondiscrimination standard in Section 251 of the Act is not qualified and therefore more stringent than "unjust and unreasonable discrimination" standard of Section 202).

attempted call must be validated, including repeat calls, and since many call attempts are made to busy numbers, unanswered calls, and refused calls, ICSPs can spend 20 cents or more on validation for every revenue-generating call.

The Commission should clarify that, to the extent that a LEC is providing validation to its own ICS for calls terminating in its territory, either indirectly through a LIDB service provider, or directly, in some manner that allows better service and/or reduced charges, the LEC ICS must pay charges for such validation and make the same rates and service available to ICSPs.

In addition, the Ameritech and BellSouth CEI plans fail to address the problem of competitive local exchange carrier ("CLEC") number validation. LIDB at this time provides no indication that a called party has changed telephone companies from an incumbent LEC to a CLEC.¹¹ If the called number validated properly before the change of LEC, it continues to do so. As a result, based on LIDB alone, an ICSP has no way of knowing that it should not continue to send its billing data to the LEC. Two to six weeks later, the LEC reports the number as unbillable and the independent ICSP currently is not informed why the call was unbillable. And, even if it could determine that the call was to a CLEC, the independent ICSP does not know which CLEC. Meanwhile, the ICSP has paid the LEC or intermediaries a validation fee and a billing and collection fee for every call to the CLEC, and in some cases must pay additional fees to receive back-up information.

¹¹ While CLECs' market shares of the overall residential market are currently very low, ICSPC's experience is that inmates are aware of this area of vulnerability and place a greatly disproportionate share of ICS calls to CLEC numbers.

If a LEC makes available for the benefit of its own ICS calls information about the fact that a called party has changed carriers, and the identity of the CLEC, the LEC's ICS will receive a tremendous preference, contrary to Section 276(a). This advantage will only grow as competition develops and more customers elect to switch to CLECs. ICSPC understands that, at some point, information about CLEC changes will become available in a future software release for LIDB. Pending availability of adequate information, this information must be made available in a timely and nondiscriminatory manner. To the extent that it is furnished to or for the benefit of the LEC's ICS, the LEC's ICS must pay a charge and the same rates and service must be available to independent ICSPs.

Accordingly, the Commission must rule that LECs are required to make call validation information, including information about CLEC changes, available to independent ICS providers and their own ICS on a nondiscriminatory basis.

To the extent that LEC ICS benefit from reciprocal billing and collection services with other LECs, the benefit of those arrangements must be made available to independent ICS providers. This is especially important because some independent LECs refuse to provide billing and collection service for independent ICS providers. To the extent that a LEC is using its mutual billing arrangements with other LECs as a way to obtain billing of its ICS calls placed to customers in such LECs' service territories, the LEC must make the same arrangements available to other ICS providers.

IV. THE COMMISSION MUST REQUIRE NONDISCRIMINATORY TREATMENT OF BAD DEBT

As a result of their current practices, LECs' ICS operations do not have to account for their bad debt.¹² The LECs do not retain information regarding the calling number when they bill a call on behalf of their ICS operations. As a result, they are unable to charge back against their ICS operations the costs of those ICS calls for which they are unable to collect. Instead those uncollectibles apparently go into a common pool with regulated residential and business bad debt, and regulated ratepayers bear the costs of the LECs' ICS's bad debt. Furthermore, to the extent that the LEC attempts to charge back bad debt to its ICS operations based on some average bad debt, there is still a subsidy of the LEC's ICS. As explained above, ICS bad debt is much higher than bad debt for other services. Averaging in ICS bad debt with other bad debt dilutes the level of chargeback to ICS, with ratepayers picking up the shortfall.

By contrast, because independent ICSPs bill for their calls using a different record format, the LEC has a record of who the billing party is.¹³ Thus, when the LEC

¹² LEC ICS operations send their call records to the LEC's billing and collection departments in the standard format generated by the Automatic Message Accounting ("AMA") system. The calls therefore appear on the customer's regular billing pages. Presumably, the LEC can disconnect a subscriber's line for nonpayment - a step it may not take on behalf of independent ICS providers if the subscriber denies all knowledge or otherwise disputes the call.

¹³ In order to bill a call, independent ICSPs send a call record to a third party service bureau (or where there is a direct billing and collection agreement with the Bell company, to the Bell company's billing and collection department). The independent ICSP sends the call record in the standard format used for third party billing, Exchange Message Interface ("EMI"). Calls billed in the EMI format appear on a separate page in the called party's bill. This makes it possible for the billed party to easily identify, and not pay for, those calls.

cannot collect for a call, that bad debt is charged back to the independent ICSP, which then must account for its entire cost. In addition, the independent ICSP is liable for the costs of the call, even though it is unable to collect from the called party.

The Commission must clarify that a LEC must handle bad debt on the same nondiscriminatory basis for its own ICS and independent ICS.

**V. ANY NETWORK ICS FUNCTIONS MUST BE
PROVIDED ON A TARIFFED BASIS**

If a LEC is permitted to provide its inmate call processing and/or call control functions in the network, those functions must be provided on a resale basis (as, for example, the coin control functions are provided). Otherwise, the real provider of ICS would be the LEC's regulated service operations, not the LEC's ICS. Thus, in the event that LEC ICS are allowed to provide inmate call processing and/or call control functions as part of a regulated service, the Commission must make clear that those functions must be offered to its own ICS entity on a tariffed basis and must be equally available to other competing ICS providers. It would be utterly inconsistent with Section 276 for a LEC to simply hand off ICS calls to its regulated service side in return for a commission.

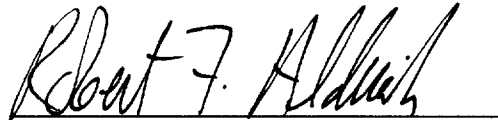
Further, if the Commission rules that a LEC ICS entity can take a package of ICS functions from its regulated side under tariff, the Commission must rule that any services that can be unbundled from the package used by the LEC's own ICS must be unbundled and made available to independent ICS providers. Thus, even if a LEC could define its entire ICS as part of regulated "CEI," it must make the components of that CEI package individually available, to the extent feasible, to ICS providers.

CONCLUSION

For the foregoing reasons, the Commission's Payphone Order should be further reconsidered or clarified as stated above.

Dated: January 13, 1997

Respectfully submitted,

A handwritten signature in black ink, reading "Robert F. Aldrich", written over a horizontal line.

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ATTACHMENT 1

161 N. 01-11

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COMMENTS OF INMATE CALLING SERVICES PROVIDERS COALITION

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Federal Communications Commission
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July 1, 1996

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Prescribing "fair compensation" for 0+ calls in the inmate environment even if the Commission does not do so with respect to 0+ calls in the general payphone environment is consistent with Section 276. Section 276 evidences Congress' intent that the Commission can address inmate calling services in a different manner than pay telephones. Section 276 defines "payphone service" as "the provision of public or semi-public pay telephones, the provision of inmate telephone service in correctional institutions, and any ancillary services."¹² By including "inmate telephone service" in the definition separately from general pay telephones, Congress made clear that they are not the same. Moreover, the definition contrasts the provision of general pay telephones with the provision of inmate telephone services. The focus on "services" in the instance of inmate calling underscores that ICSPs, unlike payphone providers, provide their own operator services and other services as an integrated package in addition to providing the equipment and a gateway into the public network. Thus, while the regulatory regime of Section 276 applies to both payphone and inmate calling services, there is a recognition that the two represent different packages of services that must be fairly compensated and that the Commission need not take the same approach in both cases.¹³

B. The Commission Must Address the Unique Costs Associated with the Inmate Environment

Three factors in particular contribute to the unique costs of the ICSP's integrated package of services and equipment. First, the specialized inmate calling

¹² 47 U.S.C. § 276(d).
¹³ *Id.*

FEDERAL COMMUNICATIONS COMMISSION

**Comments of Inmate Calling Services
Providers Coalition**

**CC Docket No. 96-12
Filed July 1, 1996**

systems developed by ICSPs to meet the call control needs of confinement facilities require significant capital investment. Second, the level of bad debt associated with calls from confinement facilities is much higher than from public payphones. Third, labor expenses are high because ICSPs must maintain a customer services staff equipped to address the needs of the inmates, the inmates' families, and the confinement facilities. Each of these factors are discussed separately below.

1. Inmate Calling Systems

Inmate calling systems are designed to provide confinement facilities with an extensive series of control mechanisms over inmate calling. Those call controls serve to prevent or deter such abuses as the harassment of witnesses and jurors, and the use of inmate calling systems to engage in criminal activity. They also play a significant role in reducing the level of fraudulent inmate calling. At the same time, the call controls function to ensure that the inmates are provided with fair and reasonable access to phones.

The most basic of those call control functions is the blocking of all non-0+ collect calls. Inmate calling systems must block all direct-dialed calls, access code calls, and calls to numbers such as 700/800/900, 950, 976, 411, and repair service. Blocking calls to these numbers reduces fraudulent calling by limiting access to the public telephone network. Inmates thus have less opportunity to manipulate either a live operator or the network in order to defeat calling restrictions.

FEDERAL COMMUNICATIONS COMMISSION

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Another basic requirement for inmate calling systems is the ability to limit call duration and/or to limit calling to a particular time of day, which often varies from inmate to inmate. This serves to provide confinement facilities with control over inmate phone usage while allowing more inmates greater access to the phones available to them. Additionally, restrictions may be placed on the number of calls an inmate is permitted to make over a given period.

The ability to restrict inmate calling by called number is another specialized requirement of inmate calling systems. Confinement facilities often require that ICSPs block an inmate's ability to make calls to certain designated numbers, such as to judges or witnesses. Additionally, confinement facilities may require the ability to restrict inmate calling only to certain pre-designated numbers, such as family members or the inmate's attorney. These requirements prevent or reduce harassment, fraudulent calling, and the use of the inmate calling system to engage in other criminal activity.

At the request of the confinement facility, many ICSPs have put into place additional called number screening mechanisms that permit free calling to certain predesignated numbers. These numbers typically include the public defenders' office, bail bondsmen, and commissary services.¹⁴

Some confinement facilities also request that ICSPs block calls attempted by particular inmates or calls attempted from certain inmate phones. This requirement

¹⁴ In addition to the costs involved in maintaining the hardware and software to provide this service, the ICSP also bears the costs of transmission, which can amount to \$.25 or more for a 10-minute call.

FEDERAL COMMUNICATIONS COMMISSION

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assists in maintaining security. During a disturbance, for example, the ability to place calls can be restricted or disallowed completely. Confinement facilities also request that the ICSP be able to shut down the inmate calling system when inmates are being transferred in or out of the facility in order to reduce the security risk.

These call screening controls can require that the inmate calling system check four or more separate databases before a call is placed. The typical inmate call begins with the inmate lifting the receiver in his cell block. Responding to a series of prompts, he enters his personal identification number ("PIN") and the number he wishes to dial.¹⁶ The PIN is then checked against an internal database for verification and to determine if the inmate has been pre-approved to place calls to certain numbers. If there are no pre-approved numbers associated with a given PIN, it is checked against a "negative database" of numbers that the inmate is prohibited from calling (e.g. witnesses or jurors). Next the called number is checked to ensure that it does not fall into any of the categories of blocked numbers (e.g. 800, 950, etc.) and to verify that it is not an international number. Assuming that the called number is not blocked, it is then sent to yet another internal database to check for the frequency of the calling inmate's phone calls to the same number. This so-called "velocity check" is designed to detect calls to "hot houses" established by an accomplice to allow the inmate caller to make three-way calls or to otherwise defeat the calling restrictions and gain open access to the public network. In addition, the called number may be checked against other inmates' calling

¹⁶ Not all confinement facilities use a PIN system. Increasingly, many confinement facilities are moving towards requiring that inmate calling systems employ voice recognition technology to identify individual inmates.